

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE CROP PROTECTION
PRODUCTS LOYALTY PROGRAM
ANTITRUST LITIGATION

This document relates to ALL
ACTIONS

Case No. 1:23-md-3062-TDS-JEP

**JOINT MOTION OF ALL
PARTIES FOR EXTENSION OF
TIME TO FILE PUBLIC
VERSIONS OF PARTIES' CLASS
CERTIFICATION FILINGS AND
TO FILE MOTIONS TO SEAL**

Plaintiffs and Defendants, by and through their undersigned attorneys, pursuant to LR 7.3(j)(10) jointly move the Court for an extension of the deadline in the Parties' Joint Local Rule 5.5 Report, (D.E. 114 (adopted by D.E. 128)), to file public versions of Defendants' filed, respective Responses in Opposition ("class certification response filings") and Plaintiffs' to-be-filed Replies related to the Plaintiffs' Motions to Certify Syngenta Classes and Corteva Classes ("class certification reply filings") (together, the "class certification filings"), through and including April 10, 2026. The Parties also jointly move for a three-week extension for Parties and non-parties to file motions to seal, from the current due date of March 20, 2026 to April 10, 2026.

In support thereof, the Parties state as follows:

1. Under the Court's scheduling order in this case, motions to certify classes as to each Defendant were filed on November 21, 2025. Responses to

those motions were filed on January 23, 2026, and replies are due on March 6, 2026. (D.E. 260).

2. Under the Parties' Joint Local Rule 5.5 Report and Alternative Sealing Proposal, the initial submission of these class certification filings will be entirely under seal. (D.E. 114, at 5). The procedure then requires a public version to be filed three days after the sealed filing, with all confidential information of Parties and non-parties redacted. (*Id.*). Then, 14 days after the close of briefing, each Party and non-party claiming confidentiality is required to file a single motion to seal per Party or non-party. (*Id.* at 5-6). The motions to seal by the Parties must be accompanied by an under seal version of any briefs or exhibits that are sought to be sealed with that information sought to be sealed highlighted. (*Id.*). Motions to seal confidential information would currently be due on March 20, 2026. (*See id.* at 5)

3. The Parties' class certification filings have been and will be extensive, with substantial amounts of confidential information of the Parties and non-parties being filed. Identifying and redacting confidential information of the Parties alone is a monumental task; appropriately identifying and redacting confidential information of non-parties, which will require communication and collaboration with those non-parties to ensure completeness, will be even more time-consuming and laborious. There is no

realistic way to accomplish this within the time frame currently contemplated for filing public versions of these motions, briefs, and exhibits.

4. In order to streamline the process of filing public versions of these motion papers, minimize docket congestion, and most importantly minimize the burden that will be placed on non-parties to this case, the Parties therefore jointly propose that the public redacted versions of the recent and to-be-filed class certification filings—the response filings and reply filings—be filed on April 10, 2026 along with the Parties’ and non-parties’ motions to seal. This date also aligns with the date that the parties in *FTC, et al. v. Syngenta Crop Protection AG, et al.*, Civil Action No. 1:22-cv-828, jointly requested for filing of public versions of summary judgment and *Daubert* motion filings and motions to seal related to the same. See M.D.N.C. Civil Action No. 1:22-cv-828, D.E. 373.

5. This proposal will allow the Parties to address all non-party confidential information only one time with each affected non-party, as opposed to having to engage with each non-party multiple separate times to determine precisely what information that non-party desires to be kept under seal. The three-week extension of the deadline for motions to seal will provide a five-week period after the close of all briefing for the Parties to work closely with all affected non-parties to agree on the necessary redactions for all

briefing and to confer on motions to seal.¹

6. Additionally, this proposal will allow for consistency between the public redacted versions that are filed and the sealed unredacted versions highlighted with the information sought to be sealed that will be filed that same day with the Parties' motions to seal. Although the public redacted versions of Plaintiffs' initial class certification filings have already been filed, (Docs. 319-324) pursuant to the Court's Order (Doc. 325), having the remaining public redacted versions continue to be filed in a staggered manner connected to the staggered filings on these motions risks situations in which non-parties are unresponsive or over-designate material to be redacted, and then agree to lesser redactions when faced with having to support a motion to seal. In such situations, then, the unredacted sealed highlighted versions of the filings submitted with the Parties' motions to seal would not match the redacted versions of those filings that had been filed publicly.

7. This consistency, in turn, will also allow for the public redacted versions that are filed to have the narrowest universe of redactions moving forward, as the redactions will be determined in connection with the Parties'

¹ Of course, if the Court approves this proposal, the Parties will still provide notice to non-parties whose confidential information is filed with these motions and begin discussions regarding sealed and redacted information with these non-parties well before the close of briefing.

and non-parties' collaborative discussions about what can and should remain sealed that will be required as part of the motion to seal process.

8. The proposal is consistent with MDNC Local Rule 5.4. (*See* L.R. 5.4 Commentary (proposals “may include exchange but not filing of briefs until after all briefing is complete, so as to reduce disagreements over what is subject to the motion to seal.”)).

9. The extensions sought herein will not affect any other deadlines currently set in this action.

10. This Motion is made in good faith in an effort to relieve burden on the Court and non-parties, and not for any improper purpose.

WHEREFORE, the Parties jointly request that this Court enter an Order extending the time to file public redacted versions of the class certification response filings and reply filings, and extending the time to file motions to seal, to April 10, 2026.

This the 28th day of January 2025.

s/Patrick M. Kane

Patrick M. Kane
N.C. Bar No. 36861
pkane@foxrothschild.com
Sean T. Placey
N.C. Bar No. 56683
splacey@foxrothschild.com
FOX ROTHSCILD LLP
230 N. Elm Street, Suite 1200
PO Box 21927 (27420)
Greensboro, NC 27401
Telephone: 336.378.5200
Facsimile: 336.378.5400

Charles S. Duggan*
charles.duggan@davispolk.com
James I. McClammy*
james.mcclammy@davispolk.com
Michael Scheinkman*
michael.scheinkman@davispolk.com
David B. Toscano*
david.toscano@davispolk.com
Alison B. Miller*
alison.miller@davispolk.com
Daniel J. Thomson*
daniel.thomson@davispolk.com
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017
Telephone: (212) 450-4292
Facsimile: (212) 701-5292

Jesse Solomon*
jesse.solomon@davispolk.com
Benjamin M. Miller*
benjamin.miller@davispolk.com

s/Mark E. Anderson

MCGUIREWOODS LLP
Mark E. Anderson (NC Bar No.
15764)
Armina A. Manning (NC Bar No.
60436)
manderson@mcguirewoods.com
aamanning@mcguirewoods.com
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601
Telephone: (919) 755-6600
Fax: (919) 755-6699

BALLARD SPAHR LLP
Jason A. Leckerman*
Emilia McKee Vassallo*
Thomas W. Hazlett*
Elizabeth P. Weissert*
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103
Telephone: (215) 665-8500
Fax: (215) 864-8999
LeckermanJ@ballardspahr.com
McKeeVassalloE@ballardspahr.com
HazlettT@ballardspahr.com
WeissertE@ballardspahr.com

**CRAVATH, SWAINE & MOORE
LLP**
Wes Earnhardt *
Jesse Weiss*
Margaret T. Segall *
Two Manhattan West
375 Ninth Ave
New York, New York 10001

DAVIS POLK & WARDWELL LLP
1050 17th Street, NW
Washington, DC 20036
Telephone: (202) 962-7133

*Specially appearing under L.R.
83.1(d)

*Attorneys for Defendants Syngenta
Crop Protection AG, Syngenta
Corporation, and Syngenta Crop
Protection, LLC*

/s/ Daniel L. Brockett

Daniel L. Brockett (*pro hac vice*)
**QUINN EMANUEL URQUHART
& SULLIVAN, LLP**
51 Madison Avenue, 22nd Floor
New York, New York 10010
Tel. (212) 849-7345
Facsimile (212) 849-7100
danbrockett@quinnemanuel.com
Interim Class Counsel

Jeremy Andersen (*pro hac vice*)
**QUINN EMANUEL URQUHART
& SULLIVAN, LLP**
865 South Figueroa Street, 10th
Floor
Los Angeles, CA 90017-2543
Tel. (213) 443-3685
Facsimile (213) 443-3100
jeremyandersen@quinnemanuel.com
Interim Class Counsel

Aj Aiqiao Wood (*pro hac vice*)
**QUINN EMANUEL URQUHART
& SULLIVAN, LLP**
1300 I Street NW, Suite 900
Washington, D.C. 20005

Telephone: (212) 474-1000
Fax: (212) 474-3700
wearnhardt@cravath.com
jweiss@cravath.com
msegall@cravath.com

*Specially appearing under L.R.
83.1(d)

Attorneys for Defendant Corteva, Inc.

/s/ Jay J. Chaudhuri

Jay J. Chaudhuri
N.C. State Bar No. 27747
**COHEN MILSTEIN SELLERS &
TOLL PLLC**
50 Fayetteville St., Suite 980
Raleigh, NC 27601
Telephone (919) 890-0560
Facsimile (919) 890-0567
jchaudhuri@cohenmilstein.com
Interim Class Counsel

Michael B. Eisenkraft (*pro hac vice*)
**COHEN MILSTEIN SELLERS &
TOLL PLLC**
88 Pine Street, 14th Floor
New York, New York 10005
Telephone (212) 838-7797
Facsimile (212) 838-7745
meisenkraft@cohenmilstein.com
Interim Class Counsel

Nina Jaffe-Geffner (*pro hac vice*)
Zachary Glubiak (*pro hac vice*)
**COHEN MILSTEIN SELLERS &
TOLL PLLC**

Tel. (202) 583-8100
ajaiqiaowood@quinnemanuel.com
Interim Class Counsel

/s/ Vincent Briganti

LOWEY DANNENBERG, PC

Vincent Briganti (*pro hac vice*)

Christian Levis (*pro hac vice*)

Margaret MacLean (*pro hac vice*)

Roland R. St. Louis, III (*pro hac vice*)

Nicole A. Veno (*pro hac vice*)

44 South Broadway, Suite 1100

White Plains, New York 10601

Tel. (914) 997-0500

Fax: (914) 997-0035

vbriganti@lowey.com

clevis@lowey.com

mmaclean@lowey.com

rstlouis@lowey.com

nveno@lowey.com

Interim Class Counsel

/s/ Lyn K. Broom

Richard L. Pinto

N.C. State Bar No. 9412

Kenneth Kyre, Jr.

N.C. State Bar No. 7848

Lyn K. Broom

N.C. State Bar No. 17674

**PINTO COATES KYRE &
BOWERS, PLLC**

3202 Brassfield Road

Greensboro, NC 27410

Tel: (336) 282-8848

Facsimile: (336) 282-8409

rpinto@pckb-law.com

kkyre@pckb-law.com

lbroom@pckb-law.com

Liaison Counsel

1100 New York Avenue, Suite 500,
NW

Washington D.C. 20005

Tel: (202) 408-4600

njaffegeffner@cohenmilstein.com

zglubiak@cohenmilstein.com

Interim Class Counsel

/s/ Carol O'Keefe

Carol O'Keefe (*pro hac vice*)

Ian Moody (*pro hac vice*)

KOREIN TILLERY LLC

505 N 7th St #3600,

St. Louis, MO 63101

Tel: (314) 241-4844

cokeefe@koreintillery.com

imoody@koreintillery.com

Interim Class Counsel

George Zelcs (*pro hac vice*)

Rosemarie Fiorillo (*pro hac vice*)

Randall P. Ewing, Jr. (*pro hac vice*)

Chad E. Bell (*pro hac vice*)

Labeat Rrahmani (*pro hac vice*)

KOREIN TILLERY LLC

205 North Michigan Avenue, Suite
1950

Chicago, IL 60601

Tel: (312) 641-9750

gzelcs@koreintillery.com

rfiorillo@koreintillery.com

rewing@koreintillery.com

cbell@koreintillery.com

lrrahmani@koreintillery.com

Interim Class Counsel